

STATE LAND USE PLANNING ADVISORY COUNCIL

Minutes

Friday, August 10, 2007

Meeting location

Churchill Commission Chambers,
155 North Taylor Street
Fallon, NV 89406

Members Present

Juan Guzman, Carson City
Eleanor Lockwood, Churchill County
Robert Conner, Douglas County
Sheri Eklund-Brown, Elko County
Bill Kirby, Esmeralda County
Tom Fransway, Humboldt County

Mickey Yarbrow, Lander County
Don Tibbals, Lyon County
Bret Tyler, Storey County
Roger Mancebo, Pershing County
Bill Whitney, Washoe County
Robin Bell, White Pine County

Members Absent

Barbara Ginoulas, Clark County
Michael Mears, Eureka County

Varlin Higbee, Lincoln County
Glenn Bunch, Mineral County
Butch Borasky, Nye County

Others Present

Jim Lawrence, Nevada Division of State Lands
Skip Canfield, AICP, Nevada Division of State
Lands (State Land Use Planning Agency)
Paul A. Williams, Nevada Division of State
Lands (State Land Use Planning Agency)
Mario Bermudez, Clark County

Garley Amos, Humboldt County Alternate
Rob Loveberg, Lyon County
Ed Rybold, NAS Fallon
Dean Haymore, Storey County
Zip Upham, NAS Fallon
Kevin Roukey, U.S. Army Corps of Engineers

CALL TO ORDER

Chairperson Mancebo called the meeting to order at 8:10 am.

Self-introductions were made by all audience and council members present. **Member Fransway** introduced recently appointed Humboldt County alternate, Garley Amos.

Prior to approving the draft minutes for the May 20, 2007 SLUPAC Meeting, **Chair Mancebo** asked if there changes or corrections. **Member Fransway** requested a change on page one to show him being the Alternate for Humboldt County at the last meeting. He also requested a change on page 9, under Report on County Planning issues, he had stated that Humboldt County was looking to join, ~~not joined~~, the Western Counties Alliance. **Member Fransway** moved to approve the amended minutes, seconded by **Member Guzman**, the motion carried unanimously.

AGENCY REPORT

Jim Lawrence, Deputy Administrator welcomed the SLUPAC members on behalf of Administrator, Pam Wilcox, who had a prior commitment and could not attend today's meeting. He reported on the activities at Lake Tahoe and indicated that he attended a briefing by the US Forest Service Lake Tahoe Basin Management Unit (LTBMU) regarding initial lessons from the fire. He stated the forest service reported that there were several instances in which there were structures on fire, but the trees and brush were adjacent to the structure were not burning. In addition, the forest service reported that they had completed several fuels reduction projects within the fire area and that initial reports were that the projects were successful in that when the fire reached these areas the fire left the crown and went to the ground. However, the fire picked up again once it reached the untreated areas on steeper slopes and within stream zones. Many agencies are probably going to re-v-s-t recommendations for fuels prescriptions, building materials as a result of the fire.

Member Yarbrow stated that in times of a fire event that simple things like stapling a triple thickness of aluminum fold over the attic vents can save a structure.

Member Whitney asked if Nevada had a fire prevention program regarding all of the properties the state owns in the Lake Tahoe basin.

Mr. Lawrence responded by saying that on the Nevada side the Agency has almost 500 lots, and has an active work program of reducing fuels on those lots. **Member Guzman** inquired if the Agency had ever thought about selling the lots to the adjacent property-owners? **Mr. Lawrence** responded that the Agency had such a program in the past, but that the on-going monitoring after the sale was more expensive than the present maintenance practice. Therefore, the program was dropped.

Member Fransway asked if there was any NRCS funding to help address rehabilitation of private property? **Member Yarbrow** stated he was a member of the State Fire Safe Council, and indicated that there were twenty-eight local chapters in the State, including one in the Tahoe Basin. The local chapters can receive substantial grants to address fire protection matters.

Mr. Lawrence concluded by reporting on the status of the Question One program. He stated that the round six applications were being reviewed by the Advisory Committee, and that round seven would begin in September. He indicated that two categories, acquisitions for trails and urban parks, were almost fully utilized, and that, because they are so popular, they may have to approach the Legislature about transferring funds from other under-utilized categories.

Mr. Williams thanked the Churchill County staff and **Member Lockwood** for hosting the SLUPAC meeting. He went over the agenda and the scheduled afternoon tour of Naval Air Station Fallon. He also reported on the planning assistance (Master Plan updates) provided since the May SLUPAC meeting, including the communities of Austin and Beatty.

Mr. Canfield commented on the planning work the State Land Use Planning Agency has been involved with for Kingston, Caliente, Amargosa Valley, Tonopah, and Elko's PLUAC. He also stated that they had served as a sounding board for Storey County staff on some planning policies

they are considering, as well as the assistance provided in the development of the Lincoln County Master Plan. He went on to indicate that the work done to help develop the White Pine County Public Lands Policy Plan may be a part of a panel discussion at the upcoming National American Planning Association (APA) Conference in Las Vegas as an example of citizen based planning in rural areas. He elaborated on the availability of Mr. Williams and himself to provide assistance addressing the land use issues confronting local communities throughout Nevada. He concluded by reporting on the Mt. Charleston license plate program. The Division of State Lands is charged with administering this program, similar to the Lake Tahoe License Plate Program. Currently, there are approximately 2000 Mt. Charleston license plates on registered vehicles and the account contains a little more than \$260,000. Funds are intended to support the environment of the Mt. Charleston area by improving wildlife habitat, the ecosystem, the forest, public access and recreational uses. The Division has developed its operating guidelines, established an advisory committee and is preparing to distribute the application in anticipation of a Fall or early Winter first round of grants. **Member Lockwood** requested a copy of the Lincoln County Master Plan.

Mr. Williams reminded the members that the next SLUPAC meeting would be a part of the Nevada Rural Planning and Natural Resources Conference, October 17-19 at the Ely Convention Center. He pointed out the listing of the hotel and motel with blocks of discounted rooms for that event in the meeting packet.

CONSIDERATION OF AN AMENDMENT OF THE SLUPAC BYLAWS

Chairperson Mancebo called for consideration of the proposed amendment of the SLUPAC Bylaws. **Mr. Williams** gave the reasoning for the change. He reminded the Council members that it resulted from a request at the May meeting and that if approved it would provide a clarification of the voting rights of the alternates, and express the terms of office as provided in the NRS 232A.020. **Member Whitney** inquired if approved when would be the effective date of the changes in the bylaws? **Chairman Mancebo** indicated that they would be effective upon adoption. **Member Conner** moved approval, seconded by **Member Whitney**, the motion carried unanimously.

CONSIDERATION OF POSSIBLE SESSION PROPOSALS- AMERICAN PLANNING ASSOCIATION CONFERENCE

Chairman Mancebo noted that the National Planning Conference is scheduled in Las Vegas April 27, 2008-May 1, 2008, and asked if there were any requests for session topics of interest? **Member Kirby** indicated that he would like to see a topic regarding how to deal with environmental groups that have a strict agenda and that will use all possible tactics, including litigation to accomplish their agenda. **Member Guzman** urged all the members to attend this Conference. He indicated that many local officials from Reno and Las Vegas have worked very hard for many years to get this Conference to be held in Nevada and that there has always been some resistance to holding the APA Conference in Nevada.

FROM RURAL TO URBAN COUNTIES

Chairman Mancebo called for the presentation on this matter. **Rob Loveberg**, Planning Director, Lyon County presented the circumstances related to Lyon County with its significant development in Dayton Valley, City of Fernley, and Smith Valley, with the County being in the top ten fastest growing Counties in the nation for the last seven years. He stated that The City of Fernley was

incorporated and that Mr. Gilbert from the City would talk later about how they were addressing their growth.

With regards to Dayton Valley and Smith Valley, **Mr. Loveberg** stated that growth in these two areas posed different set of issues. The Dayton Valley, he felt, was being developed as a bedroom community serving Reno and Carson City, and is developing with full range of housing, commercial, and industrial. It requires significant infrastructure and services which had not previously been provide by the County. Given the financial limitations placed on the County by the State, he stressed that the County is having a hard time addressing the infrastructure and service needs.

To provide water and sewer facilities, **Mr. Loveberg** stated that the County had to sell bonds, and now with the downturn in housing sales they are having trouble meeting their obligations, and the County staff is having to address budget shortfalls. Further, historically, the county relied on the State Engineer as to whether there were adequate water rights to accommodate the development, and now it turns out that there may not be adequate rights. Further, the State Engineer is saying that the County should be doing a water plan for the whole County which the County officials feel is his job.

With regards to the Smith Valley, **Mr. Loveberg** stated that they have completed a Master plan for the Valley that has as it main goal to preserve the heritage of the Valley, particularly agriculture. Therefore, development is limited to large lots with wells and septic. Finally, with his large staff of two, they are in the process of updating the County Master Plan, as well as the County Zoning Ordinance on an incremental basis.

Chairman Mancebo declared a ten minutes break at 9:40.

Chairman Mancebo reconvened the meeting at 9:50.

Robert Terry Gilbert, Community Development Director, City of Fernley stressed that the City has many of the same problems given its size at 184 square miles and with 15,000 new parcels being created between 2001-2007. While Fernley has no downtown, he indicated that it was experiencing significant commercial and industrial development.

He stated that some of the interesting issues that have come up are:

- Many of the existing roads are not dedicated and/or exist as utility easements; therefore developers have to prove that they have adequate access as a part of their application.
- Given that new development is occurring in an agricultural area, the new subdivisions have to supply cattle guards at their entrances, which raise ADA issues.
- Lack of identity-What is Fernley? Urban versus rural life style
- Lack of infrastructure, water and sewer facilities, and connecting roads. Given the State's applied financial limitations, the City is hard pressed to supply the infrastructure in a timely manner.

Mr. Gilbert indicated that his staff was working on major changes to Fernley's Development Code, including a new PUD District; and under the adopted Master Plan all zoning must be in conformance within one and a half years. He stressed that he would like to meet more with the Lyon County staff and also Churchill County, so that they could work on common problems together.

Member Eklund-Brown lamented that even if Elko County does meet with the City of Elko, they still approve commercial development over the objections of the adjacent County residents. Further in the more urban Counties if the developers do not get what they want from the County, they just annex to the City.

Member Fransway said that Humboldt has an excellent working relationship with Winnemucca and they meet on a regular basis. In fact, he stated that the County had adopted an Ordinance requiring conformance of development to the City of Winnemucca's standards within a half mile of the City Limits.

Being no other questions or comments, **Chairman Mancebo** thanked **Mr. Loveberg** and **Mr. Gilbert** for their informative presentations.

PUBLIC COMMENTS

Chairman Mancebo called for public comments, and no one came forward.

PLANNING ISSUES

Mickey Yarbrow, Lander County:

- Is concerned about fire issues on all of the lands in the State.
- BLM is fighting less fires, and they are not rehabilitating the land after a fire.
- BLM has a double standard, the mining companies do more.

Robin Bell, White Pine County: As a new member, nothing to report.

Bill Kirby, Esmeralda County:

- The County needs planning assistance.
- They have had no Master Plan since 1982. They need one now, because they are starting to experience development.

Juan Guzman, Carson City:

- City is still experiencing budget issues.
- Work on the fire breaks continue.
- Congressional land bill moving forward.

Eleanor Lockwood, Churchill County:

- Sewer facilities operational, with the second phase under construction
- The milk from the dairies in Churchill County is as good as anywhere in the State.
- Stillwater Geothermal is expanding.

Tom Fransway, Humboldt County:

- Non-motorized trail up Winnemucca Mountain done.
- McDermitt is getting additional streetscape landscaping improvements from NDOT.
- Industrial Park continues to expand with the Carry-on Trailers factory opening.
- New mine near Winnemucca.

Roger Mancebo, Pershing County:

- Mine closing.
- Three new ones are being processed.
- A sustainable development agreement has been signed between Pershing and Humboldt Counties.

Bill Whitney, Washoe County:

- Hawkins Fire near Reno came very close to Reno.
- Bell Canyon fire was in the northern part of the County.
- The County is in four different BLM Districts and they all are updating their Resource Management Plans. **Skip Canfield** asked if **Member Whitney** thought being in four different districts was a coordination challenge. He mentioned that it is a challenge for Nye County, which is only in two BLM districts. **Member Whitney** responded that his experience was that there was a good working relationship between Washoe County and the four BLM districts.
- The Truckee Flood Protection Project continues.

Bret Tyler, Storey County:

- The Nature Conservancy has done some good things along the Truckee River, but have not addressed the weed issue on other properties they have been involved in our County. There is a need to address the weed problem in western Nevada starting at Lake Tahoe and continuing east.
- Exit 32 on Interstate 80 is under construction and will be a great addition for USA Parkway.
- There are significant water problems (unstable well levels) in the Virginia City Highlands which can only be solved with importation of water.
- A well thought out weed abatement program is needed throughout the Truckee River Basin.
- Fire Station is being built in the industrial area totally paid for by the development.
- A large residential/commercial development on 8,000 plus acres, known as Cordavista was turned down by the Planning Commission because of water problems.
- County needs to do a Water Plan.
- The Lockwood GID is improving the sewer system.

Sherri Eklund-Brown, Elko County:

- California interpretive Trails Exhibit opened.
- Draft County Water Plan done.
- MOU for an Energy Plan out.
- One point five million acres burnt, NDF and BLM have done an excellent job fighting fires.
- Fire Fair is being planned.

Bob Conner, Douglas County:

- First ever Agriculture Element adopted.
- Annual review of the Master Plan coming up.
- Transportation Plan update underway.
- Open Space Plan update started.

Don Tibbals, Lyon County:

- Budget problems continue.

- Milk plant is almost done. Will double the amount of cows in the County, an additional 9,000.
- The County and the Cities should meet more often.

PRESENTATION OF THE CLARK COUNTY AIRPORT ENVIRONS ELEMENT

Mario Bermudez, Planning Manager, Clark County, reviewed the provisions that the County has to minimize future encroachment around the two bases north of Las Vegas-Creech and Nellis. The major points he made were:

- Clark County has a long history in promoting compatible land use in its airport environs.
- 1981 the County completed the Airport Noise Control and Land Use Compatibility Study.
- 1986 the Airport Environs Element adopted, the Airport Environs Overlay District is established, and noise attenuation building standards were put in place.
- The County Planning staff works very closely with the representatives from Nellis Air Force Base to minimize further intrusion into the approach zones around the base.

Zip Upham, Naval Air Station Fallon Public Affairs Officer, discussed the partnership that NAS Fallon has with Churchill County. He also gave the history of the development of SB-269, and why they felt it was important that all military installations throughout the State receive notice when land use issues are discussed within 3,000 feet of the facility. He stressed that under the provisions of the Bill, if the facility is a national guard installation, that there was a single point of contact in Carson City. For Federal facilities, the notice goes to the base commander. Finally, **Mr. Upham** explained that before SB-269, representatives from military installations could have been left out of decision-making that could adversely affect the Mission of the facility, and that they had no standing to appeal an adverse decision. SB-269 requires specific written notice to the military facility representatives, and gives them standing to appeal adverse decisions.

At 11:40 am, **Chairman Mancebo** adjourned the meeting to the Officers Club at NAS Fallon. The Members, staff, and audience members travelled by bus to the Naval Air Station.

LUNCH- OFFICERS CLUB, NAVAL AIR STATION (NAS FALLON)

During lunch, **Ed Rybold**, Community Planner and Liaison Officer NAS Fallon, presented, "Encroachment Partnering." The major points of his presentation were:

- Encroachment is primarily any non-Navy action planned or executed which inhibits, curtails, or possesses the potential to impede the performance of Navy activities.
- Encroachment Partnering is a land acquisition authority specially enacted to address encroachment challenges.
- Nevada has been the fastest growing State in the Union every year for the past nineteen years. Cities and Towns near Fallon have grown at 15-35%. Land prices doubled in an 18 month period during 2004-2005.
- Military airfields impacted by development while in a cooperative County, Nellis Air Force, NAS Miramar, MCAS El Toro, and NAS Oceana, Virginia.
- Unrestricted development has placed pressure on military operations at other facilities in US.

- NAS Fallon supports the National Security interests through integrated tactical air warfare training. Its facilities and capabilities are irreplaceable. Its training area is larger than Massachusetts and Rhode Island. The terrain is very similar to Afghanistan and Iraq.
- NAS Fallon has an adopted Air Installation Compatibility Zone (AICUZ) which does addresses some of the Navy's concern regarding safety and noise.
- In addition Zoning & land use controls are in place. There are good relations between the Navy and the County. The current Master Plan directs growth to the west of the City of Fallon and away from the Base.
- However given the history in other areas where there were cooperative Counties, the Navy needs to do more.
- The new Navy strategies are:
 - Coordinate Planning & Land Use with County/City (Zoning)
 - Pursue State & Local Legislative Initiatives.
 - Build strong relationships and regular contacts with local, state, and federal agencies.
 - Acquisition of interests in land.
- In conjunction with Churchill County, a transfer of development rights program was created to protect agriculture lands and open space. Navy personnel actively pursued the enactment of SB-269 through the State Legislature. Entered into an Encroachment Partnering Agreement with Churchill County wherein the County purchased a bundle of rights and the Navy purchased restrictive use easements resulting in the protection of five parcels totaling 688 acres. In addition through partnerships with two non-profits and with a Question One grant easements over an additional 609 acres were obtained.
- Challenges ahead are:
 - Engage neighboring Counties and develop rapport facilitating SB-269.
 - Continue communicating with federal, state, and local agencies.
 - Monitor housing market trends to anticipate an acceleration.
 - Consider integrating Rand study findings regarding biodiversity.
 - Remain vigilant of green energy projects under military airspace.

Member Eklund-Brown asked how Question One could be used to acquire an easement that benefits the Navy? **Deputy Administrator Lawrence** responded that it qualified as a Question One acquisition because of the wildlife and environmental benefits. He also stated that to qualify under the program, the property must be identified in the County's open space plan. In the case of Churchill County, the county has identified the protection of agricultural land as a goal in their plan.

ARMY CORP OF ENGINEERS DEFINITION OF NAVIGABLE WATERWAYS

Kevin Roukey, Chief of the Reno Field Office, Army Corp of Engineers gave an update on the Federal Clean Water Act and how the definition of the waters of the US that fall under its jurisdiction has changed. He went into great detail as to how its application has gotten broader and broader. His major points were:

- In Solid Waste Agency in Northern Cook County (SWANCE), 2001 the Supreme Court ruled that the Corps did have CWA jurisdiction over abandoned gravel pits by use of migratory Bird Rule (MBR).
- In 2004 and 2005, the GAO did studies of the Corps practices and in both cases found that here was a general lack of documentation and inconsistencies as to how the rules are applied

between Districts. In response the Corps created standard form, required Districts to post their final actions, and conducted two surveys to assess consistency.

-In 2006, the Rapanos Supreme Court decision determined that if wetlands have a surface hydrologic connection to a man-made ditch that drains into traditional navigable waters, they are waters of the US. Further, under the Carabell decision in the same year, wetlands were deemed adjacent if separated by a man-made berm from a tributary.

Finally, **Mr. Roukey** should examples of situations in the field that do and do not fall under the jurisdiction of the Corps. Overall the Council members found the presentation to be very informative.

COUNCIL MEMBER COMMENTS-None

COUNCIL DISCUSSION AND RECOMMENDATIONS-None

FUTURE MEETING CONSIDERATIONS-October 18, 2007, Ely Convention Center

TOUR OF THE NAS FALLON NAVAL AIR STATION

Zip Upham, Naval Air Station Public Affairs Officer led a bus tour of all of the major facilities at the base, and properties surrounding the base where the new land use measures have been implemented. The tour lasted two and a half hours.

ADJOURN

The bus returned to the Churchill County building at 4:30, and **Chairman Mancebo** adjourned the meeting at that time.

Respectfully submitted,

Paul A. Williams, Senior Planner
Meeting Recorder

Please note that minutes should be considered draft minutes pending their approval at a future meeting of the State Land Use Planning Advisory Council. Corrections and changes could be made before approval.

The meeting was digitally recorded. Anyone wishing to receive or review the recording may call (775) 684-2731. The recording will be retained for three years.